

## Message Text

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PAGE 01 TOKYO 01214 250632Z  
ACTION EB-08

INFO OCT-02 EA-12 ISO-00 H-02 /023 W  
-----129376 250854Z /17

R 250615Z JAN 78  
FM AMEMBASSY TOKYO  
TO SECSTATE WASHDC 4613

UNCLAS TOKYO 1214

E.O. 11652: N/A  
TAGS: BEXP, JA  
SUBJECT: CONGRESSIONAL COMPLAINT AGAINST JAPANESE LAWYER

REF: STATE 15526

SUMMARY. LAWYER PROMISES TO WRITE DIRECTLY TO COMPLAINANT  
TO REPORT STATUS OF TWO LEGAL CASES UNDER ACTIVE PROSECUTION  
BY JAPANESE AUTHORITIES. END SUMMARY.

1. EMBASSY HAS AGAIN CONTACTED MR. NUKIYAMA ON BEHALF OF  
MR. BURTON. MR. NUKIYAMA STATES THAT HE IS CONTINUING TO WORK  
ON TWO CASES CURRENTLY PENDING FOR MR. BURTON ON CONTINGENT FEE  
BASIS. ONE IS FILED WITH YOKOHAMA ATTORNEY GENERAL'S OFFICE AND  
OTHER WITH TOKYO ATTORNEY GENERAL'S OFFICE. BOTH CASES ARE NOW  
UNDER INVESTIGATION BY JAPANESE AUTHORITIES. ONE CASE HAS BEEN  
ACTIVE FOR OVER TWO YEARS AND THE OTHER FOR APPROXIMATELY 10  
MONTHS. THIS IS NOT UNDULY LONG TIME FOR CASES IN  
JAPANESE JUDICIAL SYSTEM.

2. MR. NUKIYAMA STATED HE WOULD WRITE DIRECTLY TO MR. BURTON  
WITH DETAILS OF HOW BOTH CASES ARE PROCEEDING. HE PROMISED  
TO SEND COPY OF HIS LETTER TO EMBASSY FOR OUR REFERENCE.  
EMBASSY ENCOURAGED NUKIYAMA TO WRITE AS SOON AS POSSIBLE,  
SUGGESTING THAT LACK OF CORRESPONDENCE WAS PROBABLY ADDING TO  
MR. BURTON'S CONCERN.

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3. MR. NUKIYAMA ALSO STATED HE HAS POSSESSION OF MR. BURTON'S  
FILES PERTAINING TO THESE CASES, AND WOULD BE HAPPY TO RETURN  
THEM IF MR. BURTON DECIDES TO STOP ACTION ON TWO CASES NOW  
UNDER CONSIDERATION OR WISHES TO CHANGE LAWYERS. THIS AND  
HIS PREVIOUS STATEMENT PROBABLY SHOULD BE INTERPRETED AS  
WILLINGNESS TO DO SO IF ASKED, AND NOT AS ACTION PLAN IN  
ABSENCE OF CLEAR INSTRUCTION FROM MR. BURTON.

4. SINCE EMBASSY HAS NO INFORMATION REGARDING NATURE OF TWO PENDING CASES, WE ARE UNABLE TO COMMENT ON MR. NUKIYAMA'S HANDLING OF THEM TO DATE. IT MAY BE USEFUL FOR MR. BURTON TO WRITE AGAIN DIRECTLY TO MR. NUKIYAMA WITH SPECIFIC INSTRUCTIONS AS TO WHAT ACTION HE WISHES MR. NUKIYAMA TO TAKE; E.G. CONTINUE WITH CASES THROUGH LEGAL CHANNELS, CANCEL BOTH CASES, RETURN FILES, ETC. QUESTION OF LEGAL FEES TO MR. NUKIYAMA FOR SERVICES PERFORMED TO DATE IS STILL TO BE RESOLVED. IF MR. BURTON WISHES AND DEPARTMENT CONCURS, EMBASSY CAN ASSIST MR. BURTON BY OBTAINING FILES FROM MR. NUKIYAMA AND RETURNING THEM TO HIM. OTHER ISSUES APPEAR TO BE OF LEGAL NATURE INAPPROPRIATE FOR EMBASSY INTERVENTION. IF MR. BURTON DECIDES TO TERMINATE HIS RELATIONSHIP WITH MR. NUKIYAMA, WE CAN SUPPLY LAWYERS' LIST WITH THE USUAL DISCLAIMER OF RESPONSIBILITY.  
MANSFIELD

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## Message Attributes

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